

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

Hiroyasu FUJIWARA et al.

Serial No. 10/015,660

Group Art Unit: 2128

Confirmation No. 6609

Filed: December 17, 2001

Examiner: GEBRESILASSIE, KIBROM K.

For: MEDIUM RECORDED WITH PROGRAM FOR MANAGING AND UTILIZING  
INFORMATION OF PLURALITY OF CORPORATIONS IN REAL TIME,  
ORGANIZATION ACTIVITY MANAGEMENT METHOD, AND INFORMATION  
PROCESSING SYSTEM

**RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF**

**Mail Stop Appeal Brief-Patents**

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

Sir:

This is in response to the Notification of Non-Compliant Appeal Brief mailed April 20, 2007 having a response due date of May 20, 2007.

The Appeal Brief is in response to the Final Office Action mailed June 22, 2006, in the above-identified application, and pursuant to the Notice of Appeal filed December 22, 2006.

**I. REAL PARTY IN INTEREST**

The real party in interest is Fujitsu Limited, the assignee of this application.

**II. RELATED APPEALS AND INTERFERENCES**

Appellant, appellant's legal representative, and the assignee do not know of any prior or pending appeals, interferences or judicial proceedings which may be related to, directly affect or be directly affected by, or have a bearing on, the Board's decision in this appeal.

**III. STATUS OF CLAIMS**

Claims 1-15 are rejected and on appeal.

**IV. STATUS OF AMENDMENTS**

A Response after Final Rejection was filed on October 23, 2006. The October 23, 2006 Response contained no claim amendments. Applicant's arguments put forth in the October 23, 2006 Response were not found persuasive, and an Advisory Action was issued on November 17, 2006.

**V. SUMMARY OF CLAIMED SUBJECT MATTER**

**A. Claim 1**

Independent claim 1 is directed to "a readable-by-computer recording medium recorded with a program read by a computer" (see page 37 line 20 through page 21 line 10 of the originally filed specification) "to manage data generated by a plurality of organizations based on communication data transferred and received between said organizations" (see, for example, FIG. 20 described from page 30, line 6 to page 33, line 1, and FIG. 21 described from page 33, line 2 to page 36, line 23). The computer executes "inputting the communication data sent from a first organization to a second organization" (see S11 in FIG. 20 described on page 30 lines 11-19, S31 in FIG. 21 described on page 33 lines 7-14), "simulating a first intra-organization procedure executed in said first organization when sending the communication data" (see S12-S15 in FIG. 20 described on page 30 line 20 through page 31 line 17, and S32-36 in FIG. 21 described on page 33, line 15, through page 34, line 2), and "recording first data generated by the first intra-organization procedure" (see S12-S15 in FIG. 20 described on page 30 line 20 through page 31 line 17, and S32-36 in FIG. 21 described on page 33, line 15, through page 34, line 2). Claim 1 further specifies that the first data include at least a contract term, an article price and an article (see, for example, FIG. 13 in which a master database includes a contract terms master, a price master table, a figure master table, and described on page 25, line 20 through page 25, line 13). According to the present invention, intra-organization procedures which take

place in organization sending (first organization) or receiving (second organization) data are independently simulated, instead of waiting for updated data. This allows the system having multiple organizations to manage information more efficiently, because an actual state is estimated based on the latest data instead of waiting for extensive information outputs from the organizations.

#### **B. Claim 2**

Independent claim 2 is directed to “a readable-by-computer recording medium recorded with a program read by a computer” (see page 37 line 20 through page 21 line 10 of the originally filed specification) “to manage data generated by a plurality of organizations on the basis of communication data transferred and received between said organizations” (see, for example, FIG. 20 described from page 30, line 6 to page 33, line 1, and FIG. 21 described from page 33, line 2 to page 36, line 23). The computer executes “inputting the communication data sent from a first organization to a second organization” and “detecting reply data to the communication data sent to said first organization from said second organization” (see S21 in FIG. 20 described on page 32 lines 1-3, S41 and the Acknowledgement box in FIG. 21 described on page 34, lines 6-14), “simulating an intra-organization procedure executed in said second organization when sending the communication data” (see S22-S25 in FIG. 20 described on page 32, lines 4-27, and S42-46 in FIG. 21 described on page 34, line 15 through page 35, line 1), and “recording second data generated by second intra-organization procedure” (see S22-S25 in FIG. 20 described on page 32, lines 4-27, and S42-46 in FIG. 21 described on page 34, line 15 through page 35, line 1). According to claim 2, the data includes “at least a contract term, an article price and an article” (see, for example, FIG. 12 described on page 24, line 20 through page 25, line 13).

#### **C. Claim 6**

Independent claim 6 is directed to “an organization activity management method of managing data generated by a plurality of organizations on the basis of communication data transferred and received between said organizations” (see page 12 line 11 to page 13 line 3). The organization activity management method recited in claim 6 includes “inputting the communication data sent from a first organization to a second organization” (see S11 in FIG. 20 described on page 30 lines 11-19, S31 in FIG. 21 described on page 33 lines 7-14), “simulating a first intra-organization procedure executed in said first organization when sending the communication data” (see S12-S15 in FIG. 20 described on page 30 line 20 through page 31 line 17, and S32-36 in FIG. 21 described on page 33, line 15, through page 34, line 2), and “recording first data generated by the first intra-organization procedure” (see S12-S15 in FIG. 20

described on page 30 line 20 through page 31 line 17, and S32-36 in FIG. 21 described on page 33, line 15, through page 34, line 2). Claim 6 further specifies that in "the first data includes at least a contract term, an article price and an article" (see, for example, FIG. 13 in which a master database includes a contract terms master, a price master table, a figure master table, and the corresponding descriptions in the specification, and described on page 25, line 20 through page 25, line 13).

#### **D. Claim 7**

Independent claim 7 is directed to an "organization activity management method of managing data generated by a plurality of organizations on the basis of communication data transferred and received between said organizations" (see, for example, FIG. 20 described from page 30, line 6 to page 33, line 1, and FIG. 21 described from page 33, line 2 to page 36, line 23). The organization activity management method recited in claim 7 includes "inputting the communication data sent from a first organization to a second organization" and "detecting reply data to the communication data sent to said first organization from said second organization" (see S21 in FIG. 20 described on page 32 lines 1-3, S41 and the Acknowledgement box in FIG. 21 described on page 34, lines 6-14), "simulating an intra-organization procedure executed in said second organization when sending the communication data" (see S22-S25 in FIG. 20 described on page 32, lines 4-27, and S42-46 in FIG. 21 described on page 34, line 15 through page 35, line 1), and "recording second data generated by second intra-organization procedure" (see S22-S25 in FIG. 20, described on page 32, lines 4-27, and S42-46 in FIG. 21 described on page 34, line 15 through page 35, line 1). According to claim 7, the data includes "at least a contract term, an article price and an article" (see, for example, FIG. 12 described on page 24, line 20 through page 25, line 13).

#### **E. Claim 11**

Claim 11 is directed to "an information processing system managing data generated by a plurality of organizations on the basis of communication data transferred and received between said organizations" (see, for example, FIG. 3 which is a diagram showing an information system architecture according to an embodiment, described from page 10, line 24, to page 13, line 23, FIGS. 5, 20 and 21 which refer to the system in FIG. 3). The information processing system recited in claim 11 includes "a module inputting the communication data sent from a first organization to a second organization" (see S11 in FIG. 20 described on page 30 lines 11-19, S31 in FIG. 21 described on page 33 lines 7-14), "a module simulating a first intra-organization procedure executed in said first organization when sending the communication data" (see S12-S15 in FIG. 20 described on page 30 line 20 through page 31 line 17, and S32-36 in FIG.

21 described on page 33, line 15, through page 34, line 2), and "a module recording first data generated by the first intra-organization procedure" (see S12-S15 in FIG. 20 described on page 30 line 20 through page 31 line 17, and S32-36 in FIG. 21 described on page 33, line 15, through page 34, line 2). Claim 11 also specifies that "the first data includes at least a contract term, an article price and an article" (see, for example, FIG. 13 in which a master database includes a contract terms master, a price master table, a figure master table, and described on page 25, line 20 through page 25, line 13).

#### **F. Claim 12**

Independent claims 12 is directed to "an information processing system managing data generated by a plurality of organizations on the basis of communication data transferred and received between said organizations" (see, for example, FIG. 3 which is a diagram showing an information system architecture according to an embodiment, described from page 10, line 24, to page 13, line 23, FIGS. 5, 20 and 21 which refer to the system in FIG. 3). The information processing system recited in claim 11 includes "a module inputting the communication data sent from a first organization to a second organization" and "a module detecting reply data to the communication data sent to said first organization from said second organization" (see S21 in FIG. 20 described on page 32 lines 1-3, S41 and the Acknowledgement box in FIG. 21 described on page 34, lines 6-14), "a module simulating an intra-organization procedure executed in said second organization when sending the communication data" (see S22-S25 in FIG. 20 described on page 32, lines 4-27, and S42-46 in FIG. 21 described on page 34, line 15 through page 35, line 1), and "a module recording data generated by the intra-organization procedure" (see S22-S25 in FIG. 20 described on page 32, lines 4-27, and S42-46 in FIG. 21 described on page 34, line 15 through page 35, line 1). Further according to claim 12, the data includes "at least a contract term, an article price and an article" (see, for example, FIG. 12 described on page 24, line 20 through page 25, line 13).

### **VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

The only ground of rejection to be reviewed on appeal is the rejection of claims 1-15 under 35 U.S.C. § 103(a) as being obvious over the article "An Integration Test-Bed System for Supply chain Management" by Umeda et al. (hereinafter "Umeda"), in view of U.S. Patent No. 6,049,787 to Takahashi et al. ("Takahashi").

### **VII. ARGUMENT**

#### **A. Review of the Prior Art**

**1. The article "An Integration Test-Bed System for Supply chain Management" by Umeda et al.**

Umeda proposes an integration test-bed system for managing a supply chain, which has sub-components and a hierarchical simulation system. The test-bed sub-components are: (1) an enterprise integration model that represents businesses and information processes in the supply chain, (2) a communication data interface between the simulation and the supplier companies and (3) the decision support system based on statistical methods (see Umeda's Abstract and FIG. 1).

**2. U.S. Patent No. 6,049,787 to Takahashi et al.**

Takahashi discloses a system (see Abstract and FIG. 1 of Takahashi) having a center site able to intervene in a business transaction achieved through a network. The center site includes an open business information database in which open business information received from member sites connected to the network is accumulated to be opened to the sites and a notarization database to keep therein contents of contracts of transactions between the sites. The center site receives a transaction request from a transaction partner site in accordance with the open business information and notifies the request to an information supply site associated therewith. The center site intervenes in a transaction resultantly accomplished between the information supply site and the transaction partner site and conducts a notarization process for the contents of contract for the transaction to accumulate the contract in a notarization database.

**B. Rejection under 35 U.S.C. §103(a)**

In the final Office Action mailed on June 22, 2006, claims 1-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over the article "An Integration Test-Bed System for Supply chain Management" by Umeda et al. (hereinafter "Umeda"), in view of U.S. Patent No. 6,049,787 to Takahashi et al. ("Takahashi"). This position was reiterated in the Advisory Action issued on November 17, 2006 in response to Applicants' Request of Reconsideration filed on October 23, 2006.

**1. Claims 1, 3-6, 8-11, and 13-14**

Claims 1, 6, and 11 are directed to a readable-by-computer recording medium recorded with a program read by a computer, an organization activity management method, an information processing system, respectively.

**a. Umeda does not teach or suggest the "inputting the communication data sent from a first organization to a second organization" as recited in claims 1, 6, and 11.**

The final Office Action alleges that the following portion of Umeda discloses the "inputting" as recited in claim 1:

The input data to VSM includes delivery orders from customers, and status information on existing orders from suppliers. VSM also uses inventory data of input/output parts, demands data in phased time, and BOM tables representing parts construction. On the while, VSM sends the process orders to the individual suppliers for production, transportation, purchase, shipment and others.

According to the above-reproduced portion of Umeda, the VSM functions as a manager over customers and suppliers. VSM sends the process orders to the individual suppliers, and not the delivery orders received from customers to individual suppliers. Therefore, the VSM as described in the indicated portion of Umeda does not teach or suggest the claimed feature, because the data sent from "a first organization" is not input to "a second organization." That is, VSM in an active intermediary, which processes and transforms the data received from one or more consumers to provide the process order, which is other data than the received data, to a supplier, i.e. a second organization.

Further, the Advisory Action alleges that "the communication" data is interpreted as being the "demand data" in Umeda, and "the demand data driver such as the first organization collects a demand data sent by the distributors and customers to simulation system such as second organization using a communication server taught by Umeda." If as alleged in the Advisory Action, the demand data driver is the first organization, then the simulation system should simulate a procedure in the demand data driver because the claims further recite "simulating a first intra-organization procedure executed in said first organization when sending the communication data." However, the Office Action then asserts that the "simulating" is taught or suggested by the "Chain" simulation described in Umeda. The simulation in Umeda does not refer to a procedure executed in the demand data driver when sending the demand data. In other words, the arguments alleging obviousness of the claims lack consistency. When picking a communication process in Umeda and designating the demand data driver to be the first organization, the alleged disclosure in Umeda of the "simulating" does not make sense anymore. Operations and elements of Umeda are not to be picked without functional connection, because they cannot arbitrarily be linked together to make the inventions recited in claims 1, 6, and 11.

**b. Umeda does not teach or suggest the "simulating a first intra-organization procedure executed in said first organization when sending the communication data" as recited in claims 1, 6, and 11.**

In the Office Action, a "chain" layer simulation (see the indicated portion of Umeda on page 1380, left side column, the paragraph stating with "The 'Chain' simulation...") allegedly discloses the "simulating...". Although the Virtual Suppliers Manager disclosed in the indicated paragraph of Umeda simulates "factories, warehouses, distribution centers, retailers, and

transporters”, the indicated paragraph, or Umeda’s whole disclosure does not teach or suggest the simulation being directed to “a first intra-organization procedure executed in said first organization when sending the communication data.”

**c. Umeda does not teach or suggest the “recording first data generated by the first intra-organization procedure.”**

The Office Action alleges that the demand data driver as described on page 1379 left column teaches or suggests the “recording.” The indicated portion merely states “[the] demand data driver collects demands data from distributors and customers, and processes them to send to simulation system and the decision support system.” That is, the demand data driver does not record any data. The Advisory Action indicates the same portion of Umeda as being relevant to the “inputting” operation, which again illustrates the lack of logical coherence of the Examiner’s position.

**d. No motivation to combine Umeda and Takahashi**

In the Office Action, the Examiner submits that Umeda does not disclose that the first data “includes at least a contract term, an article price and an article” as recited in claims 1, 6, and 11. Takahashi is relied upon to complete Umeda’s alleged teachings. However, the claimed feature is parsed out of the claim context. Neither Umeda nor Takahashi contains any motivation to include the feature of Takahashi within the teachings of Umeda unless by using impermissible hindsight. The alleged motivation to combine Umeda and Takahashi (col. 2 lines 22-27 of Takahashi) merely presents one of the objects of Takahashi’s invention without any teaching or suggestion to combine the missing feature from Takahashi with Umeda’s teachings.

Dependent claims 3-5, 8-10, and 13-15 are also patentable at least by inheriting patentable features from independent claims 1, 6, and 11 from which they depend.

**2. Claims 2, 7, and 12**

**a. Umeda does not teach or suggest the “inputting the communication data sent from a first organization to a second organization” as recited in claims 2, 7, and 12.**

The final Office Action alleges that Umeda discloses the “inputting” as recited in claim 2, on page 1379 left side column, number 1, number 2, and number 3. The indicated portion of Umeda describes the three modules of the communication server used to communicate “the tactical data among the suppliers.” Neither the description of the communication server as a whole, nor the descriptions of the three modules (the suppliers data driver, the production data driver, and the demand data driver) teaches or suggests the claimed “inputting the communication data sent from a first organization to a second organization.” The three modules collect and display (the suppliers data driver) or process (the production data driver, and the



demand data driver) the collected data. That is, the data received from any one entity is not input in the form in which it was received to a second entity as recited in the claim feature.

**b. Umeda does not teach or suggest the "recording data generated by the first intra-organization procedure."**

The Office Action alleges that the suppliers data driver as described on page 1379 left column teaches or suggests the "recording." The indicated portion merely states that the supplier data driver collects data from supplier's factories, retailers, and resellers and customers. That is, the suppliers data driver does not record any data.

**c. No motivation to combine Umeda and Takahashi**

In the Office Action, the Examiner submits that Umeda does not disclose that the first data "includes at least a contract term, an article price and an article" as recited in claims 2, 7, and 12. Takahashi is relied upon to complete Umeda's alleged teachings. However, the claimed feature is parsed out of the claim context. Neither Umeda nor Takahashi contains any motivation to combine the feature of Takahashi within Umeda's teachings unless by using impermissible hindsight. The alleged motivation to combine Umeda and Takahashi (col. 2 lines 22-27 of Takahashi) merely presents one of the objects of Takahashi's invention without any teaching or suggestion to combine the missing feature from Takahashi with Umeda's teachings.

**VIII. CONCLUSION**

Applicants submit that claims 1-15 patentably distinguish over the prior art. Reversal of the Examiner's rejection is respectfully requested.

Respectfully submitted,

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**IX. THE CLAIMS APPENDIX**

1. (PREVIOUSLY PRESENTED) A readable-by-computer recording medium recorded with a program read by a computer to manage data generated by a plurality of organizations on the basis of communication data transferred and received between said organizations, which executes:

- inputting the communication data sent from a first organization to a second organization;
- simulating a first intra-organization procedure executed in said first organization when sending the communication data; and
- recording first data generated by the first intra-organization procedure,

wherein the first data includes at least a contract term, an article price and an article.

2. (PREVIOUSLY PRESENTED) A readable-by-computer recording medium recorded with a program read by a computer to manage data generated by a plurality of organizations on the basis of communication data transferred and received between said organizations, which executes:

- inputting the communication data sent from a first organization to a second organization;
- detecting reply data to the communication data sent to said first organization from said second organization;
- simulating an intra-organization procedure executed in said second organization when sending the communication data; and
- recording data generated by the intra-organization procedure,

wherein the data includes at least a contract term, an article price and an article.

3. (ORIGINAL) A readable-by-computer recording medium recorded with a program according to claim 1, wherein said computer further executes:

- detecting reply data to the communication data sent to said first organization from said second organization;
- simulating a second intra-organization procedure executed in said second organization when sending the communication data; and
- recording second data generated by the second intra-organization procedure.

4. (ORIGINAL) A readable-by-computer recording medium recorded with a program according to claim 3, wherein said computer further executes comparing the first data with the

second data, and detects difference data between the organizations.

5. (ORIGINAL) A readable-by-computer recording medium recorded with a program according to claim 3, wherein said computer further executes coupling the first data and the second data together, and tracks the procedures executed between the organizations.

6. (PREVIOUSLY PRESENTED) An organization activity management method of managing data generated by a plurality of organizations on the basis of communication data transferred and received between said organizations, said method comprising:

inputting the communication data sent from a first organization to a second organization;  
simulating a first intra-organization procedure executed in said first organization when sending the communication data; and  
recording first data generated by the first intra-organization procedure,  
wherein the first data includes at least a contract term, an article price and an article.

7. (PREVIOUSLY PRESENTED) An organization activity management method of managing data generated by a plurality of organizations on the basis of communication data transferred and received between said organizations, said method comprising:

inputting the communication data sent from a first organization to a second organization;  
detecting reply data to the communication data sent to said first organization from said second organization;  
simulating an intra-organization procedure executed in said second organization when sending the communication data; and  
recording data generated by the intra-organization procedure,  
wherein the data includes at least a contract term, an article price and an article.

8. (ORIGINAL) An organization activity management method according to claim 6, further comprising:

detecting reply data to the communication data sent to said first organization from said second organization;  
simulating a second intra-organization procedure executed in said second organization when sending the communication data; and  
recording second data generated by the second intra-organization procedure.

9. (ORIGINAL) An organization activity management method according to claim 8, further comprising comparing the first data with the second data, wherein difference data between the organizations are detected.

10. (ORIGINAL) An organization activity management method according to claim 8, further comprising coupling the first data and the second data together, wherein the procedures executed between the organizations are tracked.

11. (PREVIOUSLY PRESENTED) An information processing system managing data generated by a plurality of organizations on the basis of communication data transferred and received between said organizations, said system comprising:

a module inputting the communication data sent from a first organization to a second organization;

a module simulating a first intra-organization procedure executed in said first organization when sending the communication data; and

a module recording first data generated by the first intra-organization procedure, wherein the first data includes at least a contract term, an article price and an article.

12. (PREVIOUSLY PRESENTED) An information processing system managing data generated by a plurality of organizations on the basis of communication data transferred and received between said organizations, said system comprising:

module inputting the communication data sent from a first organization to a second organization;

a module detecting reply data to the communication data sent to said first organization from said second organization;

a module simulating an intra-organization procedure executed in said second organization when sending the communication data; and a module recording data generated by the intra-organization procedure,

wherein the data includes at least a contract term, an article price and an article.

13. (ORIGINAL) An information processing system according to claim 11, further comprising:

a module detecting reply data to the communication data sent to said first organization from said second organization;

a module simulating a second intra-organization procedure executed in said second organization when sending the communication data; and

a module recording second data generated by the second intra-organization procedure.

14. (ORIGINAL) An information processing system according to claim 13, further comprising a module comparing the first data with the second data, wherein difference data between the organizations are detected.

15. (ORIGINAL) An information processing system according to claim 13, further comprising a module coupling the first data and the second data together, wherein the procedures executed between the organizations are tracked.

**X. EVIDENCE APPENDIX**

Not applicable.

**XI. RELATED PROCEEDING APPENDIX**

Not applicable.